

MONTANA LEGISLATIVE HISTORY

Chapter 308 19 1987

Bill H 682 S _____ Original bill & history ✓ c

H. Committee on Ed = Cult. Res.

Hearing Date(s) 2/16 _____ c

ex. 2/16 _____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Education = CR

Hearing Date(s) 3/06 _____ c

ex. 3/06 _____ c

_____ c

_____ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

3/31 ADVERSE COMMITTEE REPORT ADOPTED 45 3
4/01 RETURNED TO HOUSE NOT CONCURRED

HB 679 INTRODUCED BY KEENAN, ET AL.
ALLOCATE DOMESTIC ABUSE FINES TO FUND BATTERED
SPOUSES PROGRAM

2/09 INTRODUCED
2/09 REFERRED TO JUDICIARY
2/09 FISCAL NOTE REQUESTED
2/13 FISCAL NOTE RECEIVED
2/16 HEARING
2/16 COMMITTEE REPORT--BILL PASSED
2/18 2ND READING PASSED 85 9
2/19 3RD READING PASSED 89 6

TRANSMITTED TO SENATE
2/21 REFERRED TO JUDICIARY
3/16 HEARING
3/20 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/24 2ND READING CONCURRED 48 0
3/26 3RD READING CONCURRED 49 1

RETURNED TO HOUSE WITH AMENDMENTS
4/08 2ND READING AMENDMENTS CONCURRED 88 2
4/09 3RD READING AMENDMENTS CONCURRED 94 2
4/14 SIGNED BY SPEAKER
4/14 SIGNED BY PRESIDENT

4/15 TRANSMITTED TO GOVERNOR
4/20 SIGNED BY GOVERNOR
CHAPTER NUMBER 553 EFFECTIVE DATE: 7/01/87

HB 680 INTRODUCED BY HANNAH
PROHIBIT WRONGFUL LIFE AND BIRTH ACTIONS

2/09 INTRODUCED
2/09 REFERRED TO JUDICIARY
2/18 HEARING
2/23 TABLED IN COMMITTEE

HB 681 INTRODUCED BY DAILY
TRANSFERRING SUPERFUND PROGRAM AND RESOURCE INDEMNITY
TRUST GRANT PROGRAM FROM DEPARTMENT OF HEALTH
& ENVIRONMENTAL SCIENCES/DEPARTMENT OF NATURAL
RESOURCES & CONSERVATION TO DEPARTMENT OF
STATE LANDS

2/10 INTRODUCED
2/10 REFERRED TO STATE ADMINISTRATION
2/12 HEARING
2/12 COMMITTEE REPORT--BILL NOT PASSED
2/13 ADVERSE COMMITTEE REPORT ADOPTED 79 17

HB 682 INTRODUCED BY SPAETH, ET AL.
ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO
SHARE DUTIES AND COSTS

2/10 INTRODUCED
2/10 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/16 HEARING
2/16 COMMITTEE REPORT--BILL PASSED
2/18 2ND READING PASSED 91 2
2/19 3RD READING PASSED 92 3

HOUSE FINAL STATUS

	TRANSMITTED TO SENATE		
2/21	REFERRED TO EDUCATION & CULTURAL RESOURCES		
3/06	HEARING		
3/09	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	50	0
3/16	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/20	2ND READING AMENDMENTS CONCURRED	94	1
3/21	3RD READING AMENDMENTS CONCURRED	95	0
3/24	SIGNED BY SPEAKER		
3/25	SIGNED BY PRESIDENT		
3/26	TRANSMITTED TO GOVERNOR		
3/31	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 308 EFFECTIVE DATE: 10/01/87		
HB 683	INTRODUCED BY KEENAN, ET AL. INCREASE MAXIMUM GENERAL FUND BUDGET SCHEDULES FOR SCHOOLS		
	2/10 INTRODUCED		
	2/10 REFERRED TO EDUCATION & CULTURAL RESOURCES		
	2/10 FISCAL NOTE REQUESTED		
	2/16 FISCAL NOTE RECEIVED		
	2/20 HEARING		
	2/21 TABLED IN COMMITTEE		
HB 684	INTRODUCED BY WHALEN, ET AL. WORKERS' COMPENSATION DIVISION LOSES JURISDICTION WHEN PETITION FILED WITH COURT		
	2/10 INTRODUCED		
	2/10 REFERRED TO JUDICIARY		
	2/18 HEARING		
	2/23 TABLED IN COMMITTEE		
HB 685	INTRODUCED BY WHALEN, ET AL. BAIL FOR MISDEMEANOR MUST BE SET BEFORE PLEA; FINE MAY NOT EXCEED BAIL		
	2/10 INTRODUCED		
	2/10 REFERRED TO JUDICIARY		
	2/18 HEARING		
	2/18 TABLED IN COMMITTEE		
HB 686	INTRODUCED BY COHEN, ET AL. REQUIRE PATIENT ACCESS TO HIS MEDICAL RECORDS		
	2/10 INTRODUCED		
	2/10 REFERRED TO HUMAN SERVICES & AGING		
	2/14 HEARING		
	2/16 COMMITTEE REPORT--BILL NOT PASSED		
	2/17 ADVERSE COMMITTEE REPORT ADOPTED	77	14
HB 687	INTRODUCED BY SIMON, ET AL. REVISE CIVIL PENALTY FOR SHOPLIFTING		
	2/10 INTRODUCED		
	2/10 REFERRED TO JUDICIARY		
	2/18 HEARING		
	2/20 TABLED IN COMMITTEE		

HOUSE BILL NO. 682

INTRODUCED BY SPAETH, MCLANE, STANG, GIACOMETTO, ASAY,
KELLER, ABRAMS, E. SMITH

IN THE HOUSE

FEBRUARY 10, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 16, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1987	PRINTING REPORT.
FEBRUARY 18, 1987	SECOND READING, DO PASS.
FEBRUARY 19, 1987	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 92; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
MARCH 9, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 12, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 13, 1987	SECOND READING, CONCURRED IN.
MARCH 16, 1987	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 20, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 21, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 682
 2 INTRODUCED BY Spicer McLean Shump
 3 Dianneth Asay Keller abame E. Smith
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES
 5 OF TWO OR MORE SCHOOL DISTRICTS TO FORM A JOINT BOARD OF
 6 TRUSTEES FOR THE PURPOSE OF SHARING SCHOOL DUTIES AND SCHOOL
 7 COSTS; AND AMENDING SECTIONS 20-3-361, 20-3-362, 20-4-201,
 8 AND 20-4-401, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 20-3-361, MCA, is amended to read:

12 "20-3-361. Joint board of trustees organization and
 13 voting membership. (1) ~~Whenever--the--trustees--of--a--high~~
 14 ~~school--district--operating--a--county--high--school--and--the~~
 15 ~~trustees--of--the--elementary--district--where--the--county--high~~
 16 ~~school--building--is--located--deem--it--to--be--within--the--best~~
 17 ~~interests--of--the--two--districts,--they~~ The board of trustees
 18 of two or more school districts may form a joint board of
 19 trustees for the purpose of coordinating the any educational
 20 program or support service of both the districts. A joint
 21 board of trustees may coordinate only those programs and
 22 services agreed to by the participating boards of trustees.

23 (2) When a joint board of trustees is formed, all of
 24 the members of both the districts' trustees shall be members
 25 of the joint board of trustees and each member shall have

1 the right to participate in the meetings, but voting on
 2 matters considered by the joint board shall be limited by
 3 the provisions of this section.

4 ~~(2)~~(3) At the first meeting of the joint board of
 5 trustees, there shall be a chairman of the joint board of
 6 trustees selected from among the membership. A secretary of
 7 the joint board shall be selected from the membership. The
 8 chairman, when selected as a voting member, shall not be
 9 disqualified from voting because of his position of chairman
 10 of the board. The secretary shall not be a voting member
 11 except that he shall cast the deciding vote when three
 12 successive ballots have resulted in a tie vote of the joint
 13 board of trustees.

14 ~~(3)~~(4) The voting membership of the joint board of
 15 trustees shall be equalized between among the trustee
 16 membership of the two participating districts. After the
 17 selection of the chairman and the secretary, if necessary,
 18 the voting membership shall be:

19 (a) all of the membership of the elementary board of
 20 trustees of the smallest class of district trustees,
 21 according to 20-6-201 or 20-6-301, unless one of its members
 22 is selected as secretary, in which case such member shall
 23 not be a voting member; and

24 (b) the members of the high-school board of trustees
 25 of the other district trustees or districts who are selected

by such trustees as voting members of the joint board in a number equal to the number of voting members of the elementary district trustees as established under subsection ~~(3)(a)~~ (4)(a) above. The names of the voting membership selected by the high-school trustees shall be submitted in writing to the secretary of the board and shall be the only members of such district's trustees eligible to vote on joint board matters unless such list is revised in writing by the high-school trustees.

~~(4)~~ (5) Each voting member shall be entitled to cast one vote, individually, upon every matter submitted to the joint board for a vote."

Section 2. Section 20-3-362, MCA, is amended to read:

"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is formed as provided by 20-3-361, it shall have the power to:

(a) jointly employ a district superintendent under the provisions of 20-4-401;

(b) jointly employ teachers and specialists under the provisions of 20-4-201;

(c) open a junior high school under the provisions of 20-6-505 if the trustees of a county high school and the trustees of an elementary district have formed a joint board of trustees;

(d) prescribe and administer joint administrative

policy; and

(e) jointly provide any program or service authorized under 20-3-324; and

~~(e)~~ (f) prorate all items of joint expense between among the elementary-and-high school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of either any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the two districts."

Section 3. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district shall have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has been issued that qualifies such person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist shall be employed under written contract, and each contract of employment shall be authorized by a proper resolution of the trustees and shall be executed in duplicate by the

1 chairman of the trustees and the clerk of the district in
2 the name of the district and by the teacher or specialist.

3 (2) No contract of employment with a teacher or
4 specialist shall require such teacher or specialist to teach
5 more than 5 days a week or on any holiday recognized by
6 20-1-305. No deduction shall be made from a teacher's or
7 specialist's salary by reason of the fact that a holiday
8 falls on a school day. Any teacher's or specialist's
9 contract made in conflict with the 5-days-per-week provision
10 of this section shall not be enforceable against the teacher
11 or specialist.

12 (3) Whenever the board of trustees of a county-high
13 school-and-the-trustees-of-the-elementary-district-where-the
14 county-high-school-is-located two or more school districts
15 form a joint board of trustees under the provisions of
16 20-3-361, such joint board of trustees may execute a
17 contract of employment with a teacher or specialist who
18 shall serve both the districts. When such a contract is
19 executed, the two districts shall prorate the compensation
20 provided by such contract on the basis of the total number
21 of instructional hours expended by such teacher or
22 specialist within each district.

23 (4) Any contract executed under the provisions of this
24 section may contain the oath or affirmation prescribed in
25 20-4-104, and the teacher or specialist shall subscribe to

1 such oath or affirmation before an officer authorized by law
2 to administer oaths."

3 Section 4. Section 20-4-401, MCA, is amended to read:

4 "20-4-401. Appointment and dismissal of district
5 superintendent or county high school principal. (1) The
6 trustees of any high school district, except a county high
7 school, and the trustees of the elementary district where
8 its high school building is located shall jointly employ and
9 appoint a district superintendent. The trustees of a county
10 high school shall employ and appoint a district
11 superintendent, except that they may employ and appoint a
12 holder of a class 3 teacher certificate with a district
13 superintendent endorsement as the county high school
14 principal in lieu of a district superintendent. The trustees
15 of any other district may employ and appoint a district
16 superintendent.

17 (2) Whenever a joint board of trustees has been formed
18 by a county high school and the elementary district where
19 the county high school is located, such joint board shall
20 jointly employ and appoint a district superintendent. During
21 the term of contract of the jointly appointed district
22 superintendent, neither district shall separately employ and
23 appoint a district superintendent or county high school
24 principal.

25 (3) School districts other than those provided in

1 subsection (2) that form a joint board of trustees may
 2 jointly employ and appoint a district superintendent as
 3 allowed in 20-3-361.

4 {3}(4) The written contract of employment of a
 5 district superintendent or a county high school principal
 6 shall be authorized by the proper resolution of the trustees
 7 of the district or the joint board of trustees and executed
 8 in duplicate by the chairman of the trustees or joint board
 9 of trustees and the clerks of the districts in the name of
 10 the districts and by the district superintendent or the
 11 county high school principal. Such contract shall be for a
 12 term of not more than 3 years, and after the second
 13 successive contract, the contract shall be deemed to be
 14 renewed for a further term of 1 year from year to year
 15 thereafter unless the trustees shall, by resolution passed
 16 by a majority vote of its membership, resolve to terminate
 17 the services of the district superintendent or the county
 18 high school principal at the expiration of his existing
 19 contract. The trustees shall take such termination action
 20 and notify the district superintendent or the county high
 21 school principal in writing of their intent to terminate his
 22 services at the expiration of his current contract not later
 23 than February 1 of the last year of such contract.

24 {4}(5) Whenever a joint board of trustees employs a
 25 person as the district superintendent under subsection (2)

1 or (3), the elementary-district-and-the-county--high--school
 2 districts shall prorate the compensation provided by the
 3 contract of employment on the basis of the number of
 4 teachers employed by each district.

5 {5}(6) At any time the class 3 teacher certification
 6 or the endorsement of the certificate of a district
 7 superintendent or a county high school principal that
 8 qualifies such person to hold such position becomes invalid,
 9 the trustees of the district or the joint board of trustees
 10 shall discharge such person as the district superintendent
 11 or county high school principal regardless of the unexpired
 12 term of his contract. The trustees shall not compensate him
 13 under the terms of his contract for any services rendered
 14 subsequent to the date of the invalidation of his teacher
 15 certificate.

16 {6}(7) No district superintendent or county high
 17 school principal shall engage in any work or activity which
 18 the trustees may deem to be in conflict with his duties and
 19 employment as the district superintendent or county high
 20 school principal."

-End-

STATUS SHEET

50th LEGISLATIVE SESSION

EDUCATION COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
595	2/4/87	2/11/87	2/16/87	tabled							
601	2/4/87	2/13/87	2/16/87	tabled							
603	2/4/87	2/13/87				2/16/87					
619	2/4/87	2/18/87		2/20/87							
630	2/6/87	2/20/87	2/21/87	tabled							
659	2/9/87	failed to meet transmittal									
671	2/9/87	2/20/87	2/21/87	tabled							
682	2/10/87	2/16/87		2/16/87							
683	2/10/87	2/20/87	2/21/87	tabled							
710	2/11/87	2/18/87	2/20/87	tabled							
725	2/12/87	2/18/87				2/20/87					
764	2/14/87	2/18/87	2/20/87	tabled							
766	2/14/87	2/18/87	2/20/87	tabled							
797	2/17/87	2/20/87			2/21/87						

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The fifteenth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on February 16, 1987 at 12:40 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused.

EXECUTIVE SESSION:

CHAIRMAN SANDS reported that several committee members had expressed an interest in delaying action on HB # 511. Rep. Swysgood moved to reconsider the action taken on HB # 511. The motion CARRIED with one dissenting vote. Rep. Thomas questioned the amendment that was proposed that the committee had adopted which struck the term "at least one half of" out of that amendment and moved to reinstate that language. Chairman Sands called for discussion and announced that he had just received some information from Gail Gray that was to be provided to Rep. Eudaily that he would hand out, see EXHIBIT # 1.

REP. SWYSGOOD inquired of Rep. Thomas if that would simply be returning the amendment to its original form. Rep. Thomas replied that was correct, and that he had been told that the bill was inoperable with the language that had been struck down and that with the amendment intact, in essence, the thing would work. Rep. Mercer asked if it would be exactly as it had been submitted. Chairman Sands explained that was exactly what Rep. Thomas' amendment would do. The question was called and the motion CARRIED unanimously. Rep. Thomas moved a DO PASS AS AMENDED on HB # 511, the motion CARRIED.

ACTION ON HOUSE BILL NO. 601:

REP. LORY moved to table HB # 601, the motion CARRIED with Rep. Glaser voting no.

ACTION ON HOUSE BILL NO. 529:

REP. SWYSGOOD moved to table HB # 529, the question was called and the motion CARRIED with Rep. Glaser and Rep. Sands voting no.

11

REP. KENNERLY noted that there was an amendment on page 4 . He then moved that the word "public" on page 4, line 4 be stricken. Rep. Stang stated that Rep. Eudaily had a question on whether the word "public" should be stricken or not and perhaps they should wait until he was able to be in attendance in order to explain the amendment further. Chairman Sands explained that the amendment would read, instead of "public library", to read "those libraries referred to in section 3". Rep. Williams questioned when you take the word "public" out, aren't all of our libraries considered public libraries that would benefit under this law. What libraries would benefit other than public libraries? Rep. Thomas stated in reading the new section 3 at the bottom of page 2 and the top of page 3 it refers to libraries operated by non-profit private educational or research institutions; they would not be public libraries. He said the appropriation could be deemed to be used for those libraries also and that would be the reason for taking the word "public" out.

REP. SWYSGOOD moved DO PASS AS AMENDED on HB # 603, the motion CARRIED unanimously. Rep. Nisbet then moved the statement of intent, the motion CARRIED. Rep. Glaser moved that HB # 603 be sent directly to the Appropriations Committee with a DO PASS recommendation as per the sponsor's request. Chairman Sands said that motion would have to come from the floor.

EXECUTIVE SESSION CLOSED:

CONSIDERATION OF HOUSE BILL NO. 682:

REP. GARY SPAETH, House District No. 84, sponsor of HB # 682, stated the bill addresses an angle of consolidation in a different way. He explained he came from a district with several schools that were relatively close, and he had discussed the issue of consolidation with several of the superintendents of school boards within his district. He said he had indicated to them that consolidation is always going to be an important issue because there are a lot of concerns. He stated his bill was designed to give school districts and school boards the tools with which they can approach the problems they are facing today in education and allow them a broad width as far as available actions and innovations. He said it was a voluntary bill, that there is no forced consolidation, but it would allow school districts that are facing increased costs the ability to respond in a twentieth century type of approach.

He briefly explained that the bill would allow joint boards of County High Schools and grade school districts to operate. He said they took the law that had been on the books

for some time in the State of Montana and obviously isn't used very much today because we do not have very many county high schools in the state. He felt they could go one step further and allow school districts to combine administration and other types of costs under a joint board. He noted that page one of the bill explained what the bill was intended to do; the board of trustees of two or more school districts may form a joint board of trustees for the purpose of coordinating any educational program or support service of the district. A joint board of trustees may coordinate only those programs and services agreed to by the participating board of trustees. The bill merely amends the county high school joint boards to make it a generic term that school districts didn't include county districts and doesn't necessarily include high schools or grade schools. The rest of the changes in the bill result from switching from county to a generic type term.

He noted on page 3 (c) there had to be a change because there are still some county high school districts operating in the state and there are elementary districts that are involved and those provisions that do apply to county high school districts need to be maintained.

PROPOSERS:

BRUCE MOERER, representing the Montana School Boards Association, stated that this bill gives the school boards the opportunity to do something voluntarily under a method that has been tried and true over a number of years and has worked. He said it opens up a lot of avenues and opportunities for cooperation. He supported HB # 682 and urged the committee to give a do pass recommendation.

ERIC FEAVER, president of the Montana Education Association, said he wanted to go on record as being in favor of Rep. Spaeth's bill, HB # 682.

CRAIG BREWINGTON, Superintendent of schools in Ft. Benton, stated he was presenting the testimony of Charles Erdmann, the lobbyist for a group that is known as Local Control, since Mr. Erdmann was testifying in another hearing at this time. He then read Mr. Erdmann's prepared statement, see EXHIBIT # 2. His testimony in favor of the bill stated that HB # 682 is a simple concept which will allow school districts throughout the State of Montana the flexibility they need to join together to provide programs or services when it would be economically and educationally feasible. Mr. Brewington then said he would also like to offer his testimony as the superintendent of the Ft. Benton schools in support of the bill. He stated HB # 682 would give his

district the avenue and the vehicle to work with the schools in outlying areas on a cooperative basis.

GILE MITCHELLS, representing the office of public instruction, stated he was in support of the bill. He testified that it does give the leeway and the prerogative of the school boards to voluntarily have a joint district. He recommended the committee support the bill.

GEORGE BAILEY, Superintendent of Schools in Plevna, testified in favor of HB # 682. He stated that he had been fighting to defeat the forced consolidation. He noted that some of the arguments in favor of the consolidation are probably correct, that they do need a new delivery system, but it is not going to work if it is forced upon people. Mr. Bailey said the bill allows voluntary cooperation and people will take advantage of it.

REP. BARRY STANG, House District NO. 52, stated he would like to go on record as a proponent of HB # 682.

BURT SUMMERS, Flaxville, a former teacher testifying as a taxpayer and a parent from one of the smaller high schools in the State of Montana. He stated that the concept behind this bill is one that he had talked about over fifteen years ago, and with that concept his district could have one superintendent to cover the three attendance units. As it is currently there are three high school superintendents and one county superintendent with a combined salary in excess of \$130,000. He said that HB # 682 would provide a transition stage so that people can adapt and if it would be necessary in the future to have unified school districts because the decreasing rural populations may make it necessary to take new directions, there would be a vehicle in which to work effectively. He spoke in support of HB # 682.

OPPONENTS: There were no opponents to HB # 682.

QUESTIONS FROM THE COMMITTEE:

REP. WILLIAMS questioned Rep. Spaeth if those school boards would be allowed to agree to consolidate. Rep. Spaeth replied that the boards could not do the consolidation of the district. The consolidation laws are separate and distinct, but if the two school boards can get together and work out a plan of action they could go back to their own districts to request consolidation. He said the boards could communicate and keep their costs down whether they consolidate or not. Rep. Williams then asked if the boards

felt it was necessary to consolidate a couple of the schools they could make the recommendation and go through the regular statutory laws that exist now. Rep. Spaeth replied that was correct.

REP. GLASER asked Rep. Spaeth if the school boards would have the same ANB formula, and as long as the buildings are separated if the bill would allow them to combine staffs. Rep. Spaeth replied that the bill would potentially cut down on the overhead of school boards. Rep. Glaser inquired if there were two schools with 26 students in them, and they were kept separate, would they still receive the high ANB money? Rep. Spaeth responded they probably would because the bill doesn't affect the ANB.

REP. NELSON asked Burt Summers if he had said that there were three high school superintendents. Mr. Summers replied that he had three high school superintendents plus a county superintendent in Daniels County. Rep. Nelson questioned if he had indicated that he would like to see one high school superintendent. Mr. Summers responded that he felt that one high school superintendent could handle the work load of all three. Rep. Nelson inquired why they could not use just the county superintendent. Mr. Summers said there was a great deal of competition between the rural communities but if they had a vehicle which would facilitate cooperation it would be in the interest of education.

REP. MERCER questioned Rep. Spaeth about the potential of creating new superintendents jobs because the law that is on the books right now says if you take a county high school district and combine it with an elementary district you would have a whole new district. He expressed his concern that this bill could create a new district for particular purposes. You might have two school districts with their own superintendent and perhaps they would combine for the purposes of special ed. etc. and your bill would authorize them to have a superintendent for that new joint district. Rep. Spaeth responded that was not his intent, and he thought the school boards would be considering the costs when they combine the school boards and would not be inclined to want to add more bureaucracy.

REP. SWYSGOOD asked Rep. Spaeth about the makeup of the joint board. He said his understanding was that all of the members of the existing board would become members of the joint board; however, they would not all have voting rights, and asked if that was correct? Rep. Spaeth explained if the boards were equal in number they would all have a vote but if there were more members on one of the boards then they

would only have the same number of votes as the board with fewer members.

CHAIRMAN SANDS inquired of Rep. Spaeth if this legislation was necessary in order to do what he wanted to do. Rep. Spaeth replied he thought you would have to have this legislation. He noted that there are some things being done on a cooperative basis but this bill would formalize, set up and structure the process. Chairman Sands then referred to page 4, lines 2 and 3, which gives the authority to jointly provide any program or service authorized in 20-3-324, and asked how broad that authority was, or what kind of service or program that would include. Rep. Spaeth replied that law is very broad, there is twenty-three different powers that are involved in that law and went on to describe some of the broad general powers of the school district as outlined in the law. Chairman Sands inquired if school boards would consolidate a major portion of their services if Rep. Spaeth foresaw any problems with the requirement of one man one vote or requirements for equal funding. Rep. Spaeth answered that he had not addressed that aspect in the bill but in regard to funding, the apportionment is spelled out in the act itself as to the benefits. He replied he did not see the one-man-one vote as being a major problem because the districts haven't come together, they are simply working as a cooperative venture. Chairman Sands noted if a major consolidation is accomplished through this bill it would in effect have unified the school district but you may have a school district that would have an equal vote but only represent 10% of the people. Rep. Spaeth responded that that is what the parties have to understand when they go into the arrangement and take that into consideration. He stated if you don't have a veto on behalf of the one district, you don't have a cooperative venture and that is how the joint district would have to operate.

REP. SWYSGOOD asked Gile Mitchell if some districts were not currently using a district superintendent? Mr. Mitchell replied that there were districts superintendents but this bill would allow a county high school and elementary school to utilize the same superintendent. He referred to Beaverhead County and also Dawson County where they still have county high schools and have to pay 40 or 50 thousand dollars to each of their high school and elementary superintendents. He explained HB # 682 would allow the districts to work closer together and perhaps hire one superintendent for a cost savings and yet still allow the people to have their separate districts. Mr. Mitchell also mentioned the consolidation of programs such as purchasing would also be cost effective. He said the formation of a joint school board would not be a consolidation of enrollment, and there would still be two separate budgets. He noted this bill

1

would give small districts the opportunity to take advantage of consolidating programs without forcing consolidation upon them.

REP. KEENAN noted that any educational program or support services are included in the first page of the bill and expressed her concern about whether that would merely expand coops for special ed or if there would be any conflict with the existing program. Gile Mitchell responded that he saw no problem where it would affect the coop or the board on the special ed program.

REP. SPAETH closed by stating HB # 682 is a way for different school districts to get together on different types of activities and decide if they can provide a better educational base at a lower financial cost to the different entities in the State. He said if the districts can get together and agree to enter those cooperative arrangements the State of Montana and the taxpayer would be the beneficiary in the long run.

At this point in the hearing Chairman Sands allowed further proponents of the bill to briefly state their names.

MARTHA LAUTERBACH, representing the Alberton School District, stated she would like to go on record in support of HB # 682, and submitted her prepared statement, see EXHIBIT NO. 3.

H. R. HEDRICK, Superintendent of Schools in Highwood, stated he would like to rise in support of HB # 682.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 682:

REP. PHILLIPS moved a DO PASS on HB # 682. Chairman Sands called for discussion.

REP. MERCER remarked that he fully intended to support the bill; however he was concerned about a couple of things. He expressed concern that districts could create several service districts with surrounding districts and then put more people into administrative personnel which would reduce funds for teachers and students. He then noted that the bill would allow districts to combine any educational or support service including athletic programs. That could allow Polson and Kalispell to combine and make them eligible to be classified as a Class AA school and compete against Missoula and others in that category.

REP. STANG commented the Montana High School Association had decided two weeks ago to allow class C schools that border to participate in sports programs in the bordering school if the school the student attends does not offer the program. He stated he believed the smaller schools were taking a step in the direction of cooperating in these areas. He advised the committee that he had four of the smaller schools in his district that are involved in the reorganization process and that none of them like the idea of forced consolidation but they were open to the idea of finding a mechanism where ultimately the administration of those schools can be combined, which this bill would provide.

The question was called on a DO PASS motion on HB # 682, the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 333:

REP. DAILY moved DO PASS on HB # 333. Chairman Sands called for discussion from the committee.

REP. KEENAN explained that the bill was basically to allow a constituent who pays taxes to have a vote for a member of the school board. She noted that this piece of legislation would merely solve the problem for a few people in the State of Montana and the whole system needed to be revised. Chairman Sands inquired how many people this individual would represent on the school board. Rep. Keenan replied about 16. He then asked how many people do the rest of the board members represent. Rep. Keenan responded, thousands.

REP. WILLIAMS stated he didn't think there would be much equity in the representation on the school board and as a substitute motion he would like to table the bill.

CHAIRMAN SANDS noted the motion to table was nondebatable. The question was called, the motion CARRIED with Rep. Keenan, Rep. Daily and Rep. Stang voting no.

ACTION ON HOUSE BILL NO. 324:

REP. STANG moved DO NOT PASS on HB # 324. Chairman Sands called for discussion on the bill.

REP. KEENAN stated she felt this bill would take money from the special ed funds in the small districts and give it to the large districts, specifically Great Falls although Anaconda would benefit also. She said she had a bill that was being drafted that would study special education funding, what is mandated and exactly what kind of services the state wants to provide. She noted the last study on special

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEBRUARY 16, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	X		
REP. RICHARD NELSON, VICE CHRMN.	X		
REP. FRITZ DAILY	X		
REP. RALPH EUDAILY			X
REP. WILLIAM GLASER	X		
REP. DAN HARRINGTON	X		
REP. NANCY KEENAN	X		
REP. ROLAND KENNERLY	X		
REP. EARL LORY	X		
REP. JOHN MERCER	X		
REP. GERALD NISBET	X		
REP. JOHN PHILLIPS	X		
REP. TED SCHYE	X		
REP. BARRY STANG	X		
REP. TONIA STRATFORD	X		
REP. CHARLES SWYSGOOD	X		
REP. FRED THOMAS	X		
REP. MEL WILLIAMS	X		

STANDING COMMITTEE REPORT

FEBRUARY 16, 19 87

EDUCATION AND CULTURAL RESOURCES

Mr. Speaker: We, the committee on
report HOUSE BILL NO. 682

- | | | |
|---|--|---|
| ☒ do pass | ☐ be concurred in | ☐ as amended |
| ☐ do not pass | ☐ be not concurred in | ☐ statement of intent attached |

REP. JACK SANDS,

Chairman

ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO SHARE DUTIES AND COSTS



FIRST

reading copy (WHITE
color)

LOCAL CONTROL

AN UNINCORPORATED ASSOCIATION ORGANIZED
TO PRESERVE LOCAL CONTROL OF
MONTANA SCHOOL DISTRICTS

P.O. Box 5418
Helena, MT 59604

406/442-8813

TESTIMONY OF CHARLES E. ERDMANN IN SUPPORT OF HB 682

"Local Control" is an association made up of rural Montanans of all walks of life, including school board members and school administrators. It was formed in December 1986 to address the legislative concerns regarding forced school consolidation and reorganization. Today, "Local Control" is here to wholeheartedly support HB 682.

HB 682 is a simple concept which will allow school districts throughout the State of Montana the flexibility they need to join together to provide programs or services when it would be economically and educationally feasible. Under this bill, existing school districts can create joint school districts for any number of specific purposes. For instance, several elementary districts may join together for the purpose of hiring a joint superintendent or joint principal. They may also join together to hire music teachers, art teachers, counselors, or other educational specialists.

The bill is designed so that each school district participating would have equal say in the joint district. There are also safeguards that the joint district could only operate in those areas where the individual districts were willing participants.

While some feel that school districts in Montana should be forced to consolidate or reorganize in "shotgun weddings," HB 682 offers the better alternative. It allows districts to join together with feasible, but also allows the local communities of Montana to retain control of the education of their children.

Over 70 school districts have joined "Local Control" along with thousands of individual Montanans. These members of Local Control urge your favorable consideration of Representative Spaeth's HB 682.

Thank you for your consideration.

WITNESS STATEMENT

NAME MARTHA LANTERBACH BILL NO. HB 682

ADDRESS Sawmill Gulch Albion, MT 59820

WHOM DO YOU REPRESENT? Albion School District

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: Of all the bills presented to committees

so far this legislative session - HB 682 is the only one that
would allow money to be saved at the district level - and
still maintain local control. Because there is a lot of
resistance to 'forced' consolidation & reorganization - as
well as some question as to whether or not any money
would be saved through forced consolidation. I strongly
urge you to pass HB 682 out of committee and give this
an alternative to the radical solutions which have been
proposed so far.

Thank you.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CHAIRMAN--SEN. ROBERT J. "BOB" BROWN
NORMAL SCHEDULE==> SITE: ROOM 402

DAYS: M-W-F

TIME: 1:00 P.M.

SECRETARY--JILL ROHVANS

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0682	2/21	3/06	3/6	CONCUR AS AMENDED 3/6		3/9
SPAETH, GARY			ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO SHARE DUTIES AND COSTS			
HB0725	3/02	3/25	3/25	CONCUR 3/25		3/25
STRIZICH, BILL			IMPROVE LOCATING OF MISSING CHILDREN BY SCHOOL REQUEST FOR PROOF OF IDENTITY			
HB0818	3/02	3/20	3/20	CONCUR 3/20		3/20
NATHE, DENNIS			ALLOW OPI TO PRINT UPDATE OF SCHOOL LAWS AT LEAST ONCE EVERY 2 YEARS			
HB0819	3/02	3/25	3/25	CONCUR 3/25		3/25
NATHE, DENNIS			ALLOW SUPERINTENDENT OF PUBLIC INSTRUCTION DISCRETION TO HIRE CERTAIN STAFF			
HB0820	3/05	3/18	3/18	CONCUR 3/18		3/19
FRITZ, HARRY			STUDENT GOVERNMENT TO RECEIVE INTEREST ON ACTIVITY FEES			
HB0839	3/02	3/23	3/23 3/25	CONCUR AS AMENDED 3/25		3/25
SANDS, JACK			ALLOW SCHOOL TRUSTEES THE OPTION TO CREATE SINGLE-MEMBER TRUSTEE DISTRICTS			
HJ0016	3/02	3/20	3/20 3/23	CONCUR AS AMENDED 3/23		3/24
PECK, RAY			INTERIM STUDY ON ADEQUACY AND COST OF ACCREDITATION STANDARDS-FISCAL PROCESS			
HJ0018	2/19	3/13	3/13	CONCUR 3/13		3/16
CONNELLY, MARY ELLEN			JOINT RESOLUTION DIRECTING STUDY OF SCHOOL BUS SAFETY			
HJ0026	3/02	3/23	3/23	CONCUR 3/23		3/23
WINSLOW, CAL			JOINT RESOLUTION SUPPORTING THE BIG SKY STATE GAMES			
HJ0034	3/02	3/25	3/25	CONCUR 3/25		3/25
WINSLOW, CAL			JOINT RESOLUTION SUPPORTING JIM DOLAN'S "MT. PRIDE" PUBLIC SCULPTURE PROJECT			
HJ0039	3/02	3/20	3/20	CONCUR 3/20		3/20
CONNELLY, MARY ELLEN			DIRECTING OPI TO STUDY FEASIBILITY OF SELF-INSURANCE FOR SCHOOL DISTRICTS			

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MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 6, 1987

The eighteenth meeting of the Senate Education and Cultural Resources Committee was called to order at 1:00 p.m. in Room 402 of the State Capitol, by chairman Senator Bob Brown.

ROLL CALL: All committee members were present with Senators Regan, Pinsoneault and Neuman being tardy due to presentations of bills in other committees.

CONSIDERATION OF HOUSE BILL 117: REPRESENTATIVE HANSON, District 57, sponsor of the bill, said the School Clerks Association asked her to submit the bill. The bill streamlines and creates flexibility in the procedures used to sell or dispose of school property.

PROPOSERS: JOHN CAMPBELL, School Business Officials of Montana, expressed support for the bill.

ELINOR COLLINS, Montana Association of County Superintendents of School, expressed support for the bill.

BRUCE MOERER, Montana School Boards Association, expressed support for the bill.

There were no further proponents and no opponents for the bill.

ACTION ON HOUSE BILL 117: SENATOR SMITH moved House Bill 117 BE CONCURRED IN. The motion CARRIED unanimously with Senators Regan, Neuman and Pinsoneault absent.

CONSIDERATION OF HOUSE BILL 682: REPRESENTATIVE SPAETH, District 84, sponsor of the bill, said the bill allows for trustees of two or more districts to form a joint board for sharing school duties and costs. He stressed this is a voluntary procedure and is based on the statutes which allow county high school and elementary districts to be combined, 20-3-361, MCA. A range of services that districts could provide in a combination board and the changes in membership for the sake of equality are addressed in the bill. The boards have the same powers

when they combine as they did as individual boards. Hiring practices are also defined. He said the bill creates the potential for joint administrator, joint purchasing and joint employment of specialists.

PROPOSERS: CHIP ERDMAN, representing Local Control, said this is a workable bill which allows districts to get together and cooperate on a specific project, or as many as they must, although some joint efforts can be made under present law, it is very cumbersome. Board membership is maintained and no one district has a voting edge.

BRUCE MOERER, Montana School Boards Association, said he supports the bill for the aforementioned reasons and because it encourages cooperation between districts.

CLAUDETTE MORTON, Executive Secretary, Board of Public Education, presented testimony in support of the bill. (Exhibit 1).

PHIL CAMPBELL, Montana Education Association, expressed support for the bill.

JESS LONG, School Administrators of Montana, supported the bill.

ELINOR COLLINS, Montana Association of County Superintendents of School, supported the bill.

BOB STOCKTON, Office of Public Instruction spoke as a proponent, but pointed out there is no time or duration mentioned in the bill. He felt a requirement should be added that the joint districts stay together at least for the duration of the school year.

SENATOR NEUMAN, sponsor of Senate Bill 322 on school consolidation, supported the bill.

SENATOR BLAYLOCK, sponsor of Senate Bill 143, on school consolidation, supported the bill.

There were no further proponents and no opponents to the bill, and Rep. Spaeth closed the hearing.

CONSIDERATION OF HOUSE BILL 83: REP. CODY, District 20, sponsor of the bill, stated the bill revises nepotism laws as they regard district trustees. Trustees would be authorized to appoint a trustee's relative with approval of 2/3 of the trustees and also to renew a

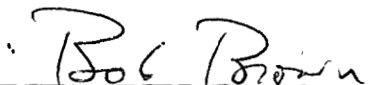
Education and Cultural Resources
March 6, 1987
Page 5

EXECUTIVE SESSION

ACTION ON HOUSE BILL 682: SENATOR MCCALLUM MOVED to
AMEND House Bill 682 as per the Standing Committee
Report. (Exhibit 4). The motion CARRIED unanimously.

SENATOR HAMMOND moved House Bill 682 BE CONCURRED IN AS
AMENDED. The motion CARRIED unanimously.

There being no further business to come before the committee,
the meeting adjourned.



SENATOR BOB BROWN, Chairman

jdr

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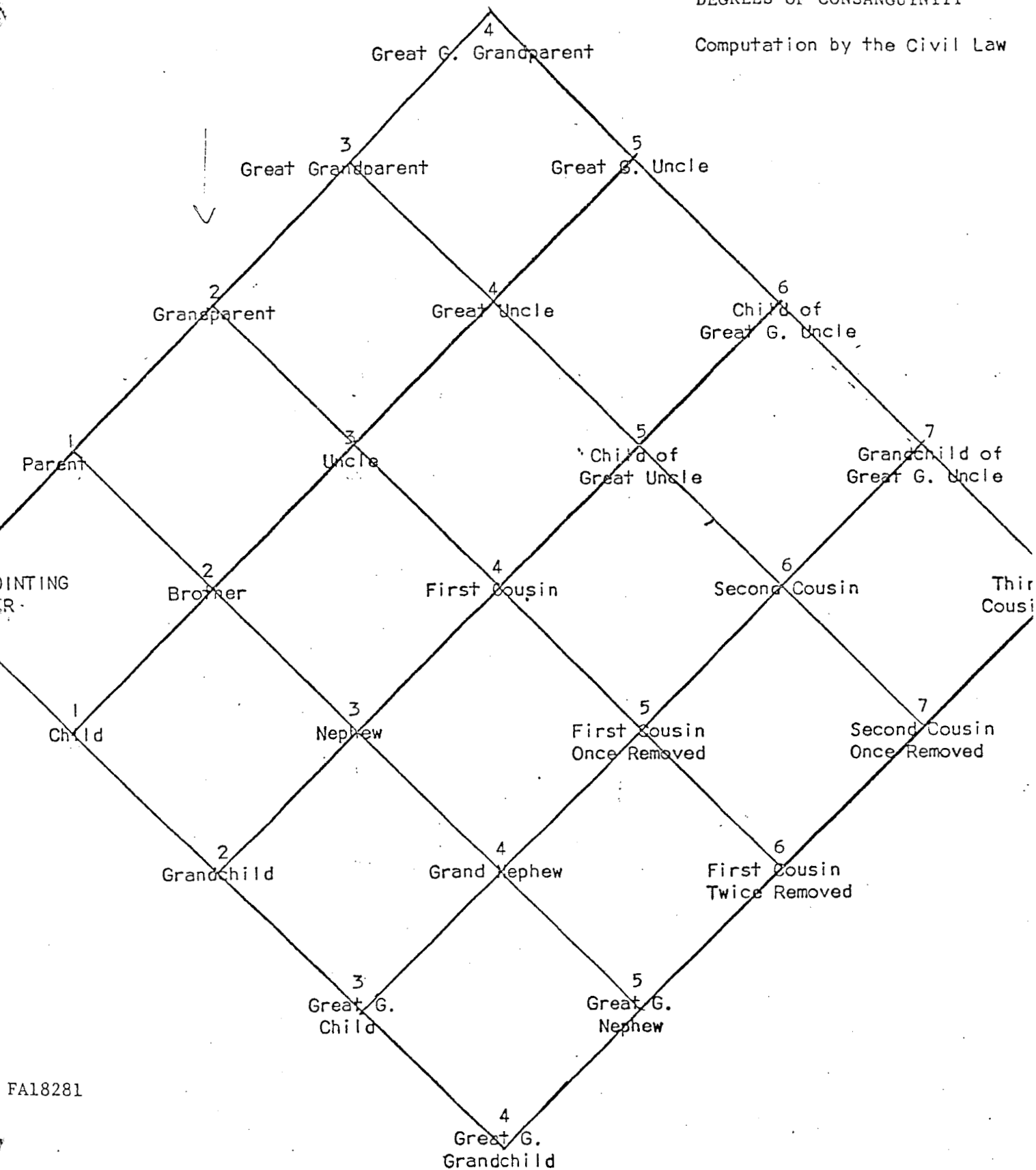
EXHIBIT

DATE 3/16/87

BILL NO. HA83

DEGREES OF CONSANGUINITY

Computation by the Civil Law



FA18281

Where "brother" appears, read "brother or sister"; where uncle appears, read "uncle or aunt"; where "nephew" appears, read "nephew or niece." The first cousin is the cousin german.

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STANDING COMMITTEE REPORT

SENATE EDUCATION

EXHIBIT NO. 4

DATE 3/6/87

MARCH 6, 19

BILL NO. HB 682 27

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 682

third reading copy (blue)
color

**ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO SHARE
DUTIES AND COSTS**

SPAETH (HAMMOND)

Respectfully report as follows: That HOUSE BILL No. 682

Be amended as follows:

1. Page 3.

Following: line 12

Insert: "(G) A joint board must remain in existence for at
least one school year and may not be dissolved until the end
of a school year."

**AND AS AMENDED,
BE CONCURRED IN**

~~DO PASS~~

~~DO NOT PASS~~

SENATOR BOB BROWN,

Chairman.

17. <https://doi.org/10.1016/j.jmb.2019.04.010> (2019). <https://doi.org/10.1016/j.jmb.2019.04.010>

[illegible]

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Hugh Spence	H.D. 84	672	X	
Dorothy A. Cody	H.D. 20	83	X	
Chas. Evers	"Local Control"	682	X	
Joe Campbell	Nat. Indentured Servitude	HB 117	X	
James R. Brown	S.A.M.	83		X
Bruce W. Moss	MSBA	HB 83		X
"	"	HB 117	X	
"	"	HB 682	X	
Rep. William T. Brown	HD 100	HB 117	X	
Elinor Collins	C. Supt. Schools	HB 117	X	
"	"	HB 83		X
"	"	HB 682	X	
LARRY CARROLL	MYSELF	HB 83	X	
Kate Williams	Senator Williams	HB 682		
Charlotte Morton	Board of Public Ed	HB 682	X	
Phil Campbell	MEA	HB 83 HB 682	X	

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

MARCH 6, 1987

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 682

third reading copy (blue)
color

ALLOW SEVERAL SCHOOL BOARDS TO FORM A JOINT BOARD TO SHARE
DUTIES AND COSTS

SPAETH (HAMMOND)

Respectfully report as follows: That HOUSE BILL No. 682

Be amended as follows:

1. Page 3.

Following: line 12

Insert: "(6) A joint board must remain in existence for at
least one school year and may not be dissolved until the end
of a school year."

AND AS AMENDED,
BE CONCURRED IN

DO PASS
XXXXXX

DO NOT PASS

SENATOR BOB BROWN,

Chairman.

Bob Brown

3-4-87
91
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HOUSE BILL NO. 682

INTRODUCED BY SPAETH, MCLANE, STANG, GIACOMETTO, ASAY,

KELLER, ABRAMS, E. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES OF TWO OR MORE SCHOOL DISTRICTS TO FORM A JOINT BOARD OF TRUSTEES FOR THE PURPOSE OF SHARING SCHOOL DUTIES AND SCHOOL COSTS; AND AMENDING SECTIONS 20-3-361, 20-3-362, 20-4-201, AND 20-4-401, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-361, MCA, is amended to read:

"20-3-361. Joint board of trustees organization and voting membership. (1) ~~Whenever--the--trustees--of--a--high school--district--operating--a--county--high--school--and--the trustees--of--the--elementary--district--where--the--county--high school--building--is--located--deem--it--to--be--within--the--best interests--of--the--two--districts,--they~~ The board of trustees of two or more school districts may form a joint board of trustees for the purpose of coordinating the any educational program or support service of both the districts. A joint board of trustees may coordinate only those programs and services agreed to by the participating boards of trustees.

(2) When a joint board of trustees is formed, all of the members of both the districts' trustees shall be members

of the joint board of trustees and each member shall have the right to participate in the meetings, but voting on matters considered by the joint board shall be limited by the provisions of this section.

{2}{3} At the first meeting of the joint board of trustees, there shall be a chairman of the joint board of trustees selected from among the membership. A secretary of the joint board shall be selected from the membership. The chairman, when selected as a voting member, shall not be disqualified from voting because of his position of chairman of the board. The secretary shall not be a voting member except that he shall cast the deciding vote when three successive ballots have resulted in a tie vote of the joint board of trustees.

{3}{4} The voting membership of the joint board of trustees shall be equalized between among the trustee membership of the two participating districts. After the selection of the chairman and the secretary, if necessary, the voting membership shall be:

(a) all of the membership of the elementary board of trustees of the smallest class of district trustees, according to 20-6-201 or 20-6-301, unless one of its members is selected as secretary, in which case such member shall not be a voting member; and

(b) the members of the high-school board of trustees

1 of the other district trustees or districts who are selected
 2 by such trustees as voting members of the joint board in a
 3 number equal to the number of voting members of the
 4 elementary district trustees as established under subsection
 5 ~~(3)(a)~~ (4)(a) above. The names of the voting membership
 6 selected by the high-school trustees shall be submitted in
 7 writing to the secretary of the board and shall be the only
 8 members of such district's trustees eligible to vote on
 9 joint board matters unless such list is revised in writing
 10 by the high-school trustees.

11 ~~(4)~~(5) Each voting member shall be entitled to cast
 12 one vote, individually, upon every matter submitted to the
 13 joint board for a vote.

14 (6) A JOINT BOARD MUST REMAIN IN EXISTENCE FOR AT
 15 LEAST 1 SCHOOL YEAR AND MAY NOT BE DISSOLVED UNTIL THE END
 16 OF A SCHOOL YEAR."

17 Section 2. Section 20-3-362, MCA, is amended to read:

18 "20-3-362. Powers of joint board of trustees. (1) When
 19 a joint board of trustees is formed as provided by 20-3-361,
 20 it shall have the power to:

21 (a) jointly employ a district superintendent under the
 22 provisions of 20-4-401;

23 (b) jointly employ teachers and specialists under the
 24 provisions of 20-4-201;

25 (c) open a junior high school under the provisions of

1 20-6-505 if the trustees of a county high school and the
 2 trustees of an elementary district have formed a joint board
 3 of trustees;

4 (d) prescribe and administer joint administrative
 5 policy; and

6 (e) jointly provide any program or service authorized
 7 under 20-3-324; and

8 ~~(e)~~(f) prorate all items of joint expense between
 9 among the elementary-and--high school districts, provided
 10 that a controversy over any decision by the joint board to
 11 prorate joint costs may, within 30 days, be appealed by the
 12 trustees of either any district to the superintendent of
 13 public instruction for a final decision as to what
 14 constitutes a fair and just proration of the cost.

15 (2) The joint board of trustees shall not have the
 16 power to transact business that is not specifically related
 17 to the joint administration of the two districts."

18 Section 3. Section 20-4-201, MCA, is amended to read:

19 "20-4-201. Employment of teachers and specialists by
 20 contract. (1) The trustees of any district shall have the
 21 authority to employ any person as a teacher or specialist,
 22 but only a person who holds a valid Montana teacher or
 23 specialist certificate or for whom an emergency
 24 authorization of employment has been issued that qualifies
 25 such person to perform the duties prescribed by the trustees

for the position of employment. Each teacher or specialist shall be employed under written contract, and each contract of employment shall be authorized by a proper resolution of the trustees and shall be executed in duplicate by the chairman of the trustees and the clerk of the district in the name of the district and by the teacher or specialist.

(2) No contract of employment with a teacher or specialist shall require such teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. No deduction shall be made from a teacher's or specialist's salary by reason of the fact that a holiday falls on a school day. Any teacher's or specialist's contract made in conflict with the 5-days-per-week provision of this section shall not be enforceable against the teacher or specialist.

(3) Whenever the board of trustees of a county-high school-and-the-trustees-of-the-elementary-district-where-the county-high-school-is-located two or more school districts form a joint board of trustees under the provisions of 20-3-361, such joint board of trustees may execute a contract of employment with a teacher or specialist who shall serve both the districts. When such a contract is executed, the ~~two~~ districts shall prorate the compensation provided by such contract on the basis of the total number of instructional hours expended by such teacher or

specialist within each district.

(4) Any contract executed under the provisions of this section may contain the oath or affirmation prescribed in 20-4-104, and the teacher or specialist shall subscribe to such oath or affirmation before an officer authorized by law to administer oaths."

Section 4. Section 20-4-401, MCA, is amended to read:
"20-4-401. Appointment and dismissal of district superintendent or county high school principal. (1) The trustees of any high school district, except a county high school, and the trustees of the elementary district where its high school building is located shall jointly employ and appoint a district superintendent. The trustees of a county high school shall employ and appoint a district superintendent, except that they may employ and appoint a holder of a class 3 teacher certificate with a district superintendent endorsement as the county high school principal in lieu of a district superintendent. The trustees of any other district may employ and appoint a district superintendent.

(2) Whenever a joint board of trustees has been formed by a county high school and the elementary district where the county high school is located, such joint board shall jointly employ and appoint a district superintendent. During the term of contract of the jointly appointed district

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1 superintendent, neither district shall separately employ and
2 appoint a district superintendent or county high school
3 principal.

4 (3) School districts other than those provided in
5 subsection (2) that form a joint board of trustees may
6 jointly employ and appoint a district superintendent as
7 allowed in 20-3-361.

8 (4) The written contract of employment of a
9 district superintendent or a county high school principal
10 shall be authorized by the proper resolution of the trustees
11 of the district or the joint board of trustees and executed
12 in duplicate by the chairman of the trustees or joint board
13 of trustees and the clerks of the districts in the name of
14 the districts and by the district superintendent or the
15 county high school principal. Such contract shall be for a
16 term of not more than 3 years, and after the second
17 successive contract, the contract shall be deemed to be
18 renewed for a further term of 1 year from year to year
19 thereafter unless the trustees shall, by resolution passed
20 by a majority vote of its membership, resolve to terminate
21 the services of the district superintendent or the county
22 high school principal at the expiration of his existing
23 contract. The trustees shall take such termination action
24 and notify the district superintendent or the county high
25 school principal in writing of their intent to terminate his

1 services at the expiration of his current contract not later
2 than February 1 of the last year of such contract.

3 (5) Whenever a joint board of trustees employs a
4 person as the district superintendent under subsection (2)
5 or (3), the ~~elementary-district-and-the-county--high--school~~
6 ~~districts~~ shall prorate the compensation provided by the
7 contract of employment on the basis of the number of
8 teachers employed by each district.

9 (6) At any time the class 3 teacher certification
10 or the endorsement of the certificate of a district
11 superintendent or a county high school principal that
12 qualifies such person to hold such position becomes invalid,
13 the trustees of the district or the joint board of trustees
14 shall discharge such person as the district superintendent
15 or county high school principal regardless of the unexpired
16 term of his contract. The trustees shall not compensate him
17 under the terms of his contract for any services rendered
18 subsequent to the date of the invalidation of his teacher
19 certificate.

20 (7) No district superintendent or county high
21 school principal shall engage in any work or activity which
22 the trustees may deem to be in conflict with his duties and
23 employment as the district superintendent or county high
24 school principal."

-End-